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DIST: 14 MARCH 1989

COUNTRY: EL SALVADOR

SUBJ: FINDINGS OF THE SPECIAL HONOR COMMISSION IN THE
SAN SEBASTIAN CASE

DOI: 9 MARCH 1989

[REDACTED]

SUMMARY: ON 9 MARCH 1989, THE ESAF SPECIAL HONOR COMMISSION PRESENTED ITS FINDINGS IN THE SAN SEBASTIAN CASE. ACCORDING TO THE COMMISSION'S REPORT, MAJOR BELTRAN, THE 5TH BRIGADE S-II, WAS PRIMARILY RESPONSIBLE FOR THE 21 SEPTEMBER 1988 KILLING OF 10 CIVILIANS IN SAN SEBASTIAN. THE KILLING OF THE 10 CIVILIANS, WHO WERE IN FACT INVOLVED IN FMLN SUBVERSIVE ACTIVITIES, WAS A CRIMINAL ACT AND WAS OUTSIDE NORMAL OPERATING PROCEDURES. MAJOR BELTRAN CONCOCTED A FALSE AMBUSH TO CAMOUFLAGE THE KILLINGS AND ORDERED THE ESAF PERSONNEL INVOLVED, WHO OPPOSED HIS ORDERS, TO CARRY OUT THE FALSE AMBUSH AND KILL THE CIVILIANS. THE COMMISSION FOUND THE COMMANDER OF THE 5TH BRIGADE INNOCENT OF ANY KNOWLEDGE REGARDING THE KILLINGS AND RECOMMENDED THAT HE BE RETURNED TO HIS COMMAND. THE COMMISSION PROVIDED A LIST OF PERSONS INVOLVED IN THE KILLINGS WHO

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SHOULD BE TURNED OVER TO THE COMPETENT TRIBUNALS FOR LEGAL ACTION.

TEXT: 1. ON 9 MARCH 1989, THE SPECIAL HONOR COMMISSION (SHC) OF THE SALVADORAN ARMED FORCES (ESAF) PRESENTED ITS FINDINGS IN THE SAN SEBASTIAN CASE TO THE MINISTER OF DEFENSE. ACCORDING TO THE SHC'S REPORT, THE SAN SEBASTIAN KILLINGS WERE FOUND TO BE THE PRIMARY RESPONSIBILITY OF MAJOR MAURICIO DE JESUS ((BELTRAN)) GRANADOS, THE 5TH INFANTRY BRIGADE S-11. THE SHC ALSO FOUND THAT THE 10 PERSONS KILLED HAD BEEN INVOLVED IN SUBVERSIVE ACTIVITIES OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) BUT THEIR KILLING WAS A CRIMINAL ACT.

2. THE SHC'S REPORT PROVIDES AS BACKGROUND TO THE FINDINGS THE STORY AS ORIGINALLY PUT OUT BY MAJOR BELTRAN AND A LIST OF ALL THE PERSONS INTERVIEWED BY THE SHC. THE REPORT THEN PROVIDES A TRUE ACCOUNT OF THE EVENTS, BASED ON THE INTERVIEWS, AND THE SHC'S CONCLUSIONS AND RECOMMENDATIONS.

A. PRECIS OF ACTUAL EVENTS:

-ON 20 SEPTEMBER 1988, THE 2ND SECTION OF THE 2ND COMPANY OF THE "JIBOA" BATTALION OF THE 5TH INFANTRY BRIGADE, UNDER THE COMMAND OF LIEUTENANT ARNOLDO ANTONIO ((VASQUEZ)) ALVARENGA, WHICH HAD BEEN OPERATING IN THE AREA FOR A NUMBER OF DAYS, RECEIVED THE ORDER TO CAPTURE A SUPPOSED INSURGENT NAMED JOSE MARIA ((FLORES)) WHO RESIDED IN THE TOWN OF SAN FRANCISCO, SAN SEBASTIAN JURISDICTION. THIS MISSION WAS CARRIED OUT AND THE CAPTURED INSURGENT WAS RELIEVED OF TWO M-16 RIFLES, EXPLOSIVES, PROPAGANDA, AND TWO BLACK UNIFORMS WHICH HE HAD IN THAT PLACE. AT APPROXIMATELY 0730 HOURS LOCAL ON 21 SEPTEMBER, 1ST LIEUTENANT MANUEL DE JESUS ((GALVEZ)) GALVEZ, COMMANDER OF THE 2ND COMPANY, MET UP WITH THE 2ND SECTION, ACCOMPANIED BY HIS COMMAND GROUP; HE HAD RECEIVED A REPORT OF THE CAPTURE FROM HIS SECTION COMMANDER.

-BASED ON THE INTERROGATION OF THE CAPTURED INSURGENT, THREE OTHER SUSPECTED PERSONS WERE DETAINED; WHILE THIS WAS BEING CARRIED OUT AN UNDETERMINED NUMBER (30-40) OF PEOPLE HAD BEEN GATHERED IN THE STREET IN FRONT OF THE SCHOOL, WHICH LED TO THE TOWN OF LA CEBADILLA. THESE PERSONS HAD BEEN GATHERED TOGETHER SO THAT THE MILITARY COULD COMMUNICATE TO THEM THE MILITARY'S CONCERN THAT THEY WERE BEING USED BY THE FMLN FOR TERRORISTIC PURPOSES.

-AT APPROXIMATELY 1130 HOURS LOCAL ON THE SAME DAY, MAJOR BELTRAN ARRIVED ON THE SCENE. BELTRAN IS THE S-1 OF THE 5TH BRIGADE. BELTRAN WAS ACCOMPANIED BY TWO INTERROGATORS AND ARRIVED BY HELICOPTER.

-AS A RESULT OF THE INTERROGATIONS OF THE PRISONERS, SIX MORE PERSONS WERE DETAINED, MAKING A TOTAL OF 10.

-BETWEEN 1300-1400 HOURS LOCAL, MAJOR BELTRAN TOOK THE DECISION TO KILL THE 10 PERSONS AND WAS OPPOSED IN THIS DECISION BY THE TWO LIEUTENANTS, WHO MAINTAINED HIS WAS AN ILLEGAL ORDER WHICH WOULD COMPROMISE THE MILITARY PERSONNEL. FROM THAT MOMENT ON, MAJOR BELTRAN ASSUMED COMMAND OF THE UNIT AND BEGAN GIVING DIRECT ORDERS TO SUBORDINATES. HE ORDERED SGT. JORGE ALBERTO ((TOBAR)) GUZMAN TO GO ALONG THE ROAD TO LA CEBADILLA AND SET UP AN AMBUSH USING THE CAPTURED EQUIPMENT.

-SGT. GUZMAN, ACCOMPANIED BY SOME SOLDIERS, ESTABLISHED THE AMBUSH AT APPROXIMATELY 1530 HOURS LOCAL. THE CIVILIANS WERE LED BY VARIOUS MEMBERS OF THE TROOP TO THE SELECTED LOCATION. A MINE WAS EXPLODED AND A HAND GRENADE WAS THROWN, RESULTING IN AN UNDETERMINED NUMBER OF DEAD BUT THE MAJORITY OF THE CIVILIANS WOUNDED, WHO WERE THEN KILLED BY MEMBERS OF THE UNIT ON THE ORDERS OF MAJOR BELTRAN.

-A POSTER AND SUBVERSIVE PROPAGANDA WERE LEFT IN THE PLACE WHERE THE DEAD WERE TO JUSTIFY OR SIMULATE AN INSURGENT AMBUSH. THE LEG OF ONE SOLDIER WAS SMEARED WITH BLOOD AND HE WAS EVACUATED TO THE BRIGADE ON THE ORDERS OF MAJOR BELTRAN. IN THAT SAME HELICOPTER WAS TRANSPORTED THE CAPTURED EQUIPMENT, WITH THE EXCEPTION OF THE EXPLOSIVES WHICH WERE LATER DESTROYED.

-DURING THE FOLLOWING DAYS, MAJOR BELTRAN SPREAD THE FALSE VERSION OF EVENTS AND ORDERED ALL SUBORDINATE PERSONNEL TO STICK TO THAT STORY.

-IN ORDER TO LEND CREDENCE TO HIS FALSE VERSION OF EVENTS, MAJOR BELTRAN SELECTED A SOLDIER WOUNDED IN ANOTHER OPERATION TO PRESENT AS THE SOLDIER ALLEGEDLY WOUNDED IN THE SUPPOSED AMBUSH. THIS VERSION OF EVENTS IS BASED ON THE SPONTANEOUS DECLARATIONS MADE TO THE SHC BY THE MILITARY PERSONNEL WHO WERE PRESENT AT THE SCENE.

B. CONCLUSIONS:

-THE EVENTS WHICH TOOK PLACE ON 21 SEPTEMBER 1988, IN THE TOWN OF SAN FRANCISCO, SAN SEBASTIAN, SAN VICENTE DEPARTMENT, WERE NOT THE RESULT OF AN INSURGENT AMBUSH BUT INVOLVE THE RESPONSIBILITY OF MILITARY PERSONNEL OF THE 5TH INFANTRY BRIGADE.

-THE 10 PERSONS DETAINED AT THAT TIME AND WHO WERE SUBSEQUENTLY KILLED, ACCORDING TO THE INFORMATION OBTAINED AND THE MATERIAL CAPTURED, WERE INVOLVED IN PARTICIPATING IN FMH SUBVERSIVE ACTIVITIES.

-PRIMARY RESPONSIBILITY, THAT IS TO SAY THE DECISION AND PLANNING OF THE CRIMINAL ACT, FALLS ON MAJOR BELTRAN.

-ALSO RESPONSIBLE FOR THEIR PARTICIPATION IN THE EXECUTION OF THE EVENTS WERE:

LT. ARNOLDO VASQUEZ ALVARENGA
SGT. JORGE ALBERTO TOBAR GUZMAN
SGT. RAFAEL ((ROSALES)) VILLALOBOS
CPL. HERNAN ((AYALA)) ARIAS
PVT. JOSE CARLOS ((HERNANDEZ)) MATUTE
PVT. FRANCISCO ((PONCE)) RAMIREZ
PVT. FERMIN ((CRUZ)) CASTRO
PVT. JOSE ALFREDO ((MENDEZ)) BELTRAN

ALTHOUGH THESE PERSONS COULD BE CHARGED LEGALLY WITH THE ACTIONS DESCRIBED ABOVE, THIS WOULD NOT BE JUSTIFIED AS, ACCORDING TO THE INFORMATION AVAILABLE TO THE SHC, AT NO TIME DID THEY SUPPORT THE DECISIONS TAKEN BY MAJOR BELTRAN, BUT ON THE CONTRARY OPPOSED HIS ORDERS WITHIN THE LIMITS OF MILITARY HIERARCHY. THEIR ACTIONS CAN BE EXPLAINED BY THE DAMAGING EFFECTS AND THE DYNAMIC OF THIS WAR AND IN THE DIFFICULT BALANCE BETWEEN SUBORDINATION TO COMMAND AND CARRYING OUT ILLEGAL ORDERS.

-THE ACTS CARRIED OUT CONSTITUTE A GRAVE VIOLATION OF THE NORMAL OPERATING PROCEDURE WHICH REGULATES THE ARRESTS MADE BY PERSONNEL OF THE VARIOUS UNITS OF THE ARMED FORCES.

-THE COMMANDER OF THE 5TH BRIGADE HAD NO KNOWLEDGE AT ANY TIME OF THE REALITY OF THE EVENTS UNTIL HIS INTERVIEW BY THIS COMMISSION.

-THESE KINDS OF ACTIONS, WHICH BY THEIR NATURE ARE ISOLATED TO AND ATTRIBUTABLE TO THE PERSONS WHO CARRIED THEM OUT, ARE UNJUSTIFIABLY PREJUDICIAL TO THE INSTITUTION AS A WHOLE AND AFFECT THE ACHIEVEMENTS MADE BY THE MILITARY IN RECENT YEARS IN THE AREAS OF PROFESSIONALISM AND RESPECT FOR HUMAN RIGHTS. THEY DO, HOWEVER, INDICATE THE NEED FOR A REVIEW OF MILITARY POLICY IN THESE MATTERS IN ORDER TO RENEW EFFORTS AND TO REACH THE HIGHEST POSSIBLE LEVELS (OF PROFESSIONALISM AND RESPECT FOR HUMAN RIGHTS).

